

**REMARKS**

The application has been reviewed in light of the Office Action mailed on August 22, 2007. Claims 1-26 are currently pending in the application, with Claims 1, 9, 15, 20 and 25 being in independent form.

**Rejection of Claims 1-26 under 35 U.S.C. § 103**

Claims 1-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshida (EP 0 335 656 A1) in view of Kirkpatrick (US Patent No. 4,958,064). The rejection is respectfully traversed.

Yoshida is directed to an automatic focus control apparatus particularly suitable for use in **auto-focus television cameras** as stated throughout the written description of Yoshida. The apparatus described by Yoshida comprises zoom lens 2; image pick-up means (i.e., image pick-up element 3, pre-amplifying circuit 4, signal processing circuit 5, and matrix circuit 6) for picking up an image of an object by means of zoom lens 2; amplitude value detecting means (i.e., band-pass filter circuits 7A, 7B, 7C, detecting circuits 8A, 8B, and 8C, selector switch 9 and A/D converter 12) for detecting the amplitude value of the color signals SB, SG and SR derived from the image pick-up means; and auto-focus control circuit 10. See column 3, lines 51-60 and FIG. 2.

Yoshida fails to disclose or suggest an optical code reading system comprising and optical code reader for imaging an optical code as recited by Claim 1; a decoder for decoding data encoded by an image as recited by Claim 1; a method comprising the step of imaging an optical code as recited by Claim 9; and a method comprising the step of decoding data encoded by an image as recited by Claim 9. Additionally, Yoshida fails to disclose or suggest a decoder for decoding data encoded by an image as recited by Applicants' Claim 15.

Further, Yoshida fails to disclose or suggest decoding data encoded by an image as recited by Applicants' Claims 20 and 25.

In the Office Action, the Examiner relies on Kirkpatrick to cure the deficiencies of Yoshida. Kirkpatrick is directed to a bar code locator and reading system. In particular, Kirkpatrick is directed to a system for locating and reading bar codes on movable objects.

The Examiner asserts that "it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the system and method as taught by Yoshida, the reader being an optical code reader; the target being an optical code; a decoder for decoding data encoded by said image, the processor for performing said analysis until data is decodable by said decoder; the optical code reader further comprising an illumination apparatus for illuminating a field of view, said field of view including the optical code; in order to provide decoding of optical codes, thereby increasing the number of applications in which the reader/camera may be used...."

It is respectfully submitted that, as set forth in MPEP Section 2143, in order to establish a prima facie case of obviousness (35 U.S.C. §103), there are three basic requirements: (1) some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference(s) or to combine the teachings; (2) a reasonable expectation of success; and (3) the reference(s) teach or suggest all of the claim limitations.

As stated above, Yoshida is directed to an automatic focus control apparatus **particularly suitable for use in auto-focus television cameras**. Kirkpatrick is directed to a bar code locator and reading system **for use primarily in locating and reading bar codes on movable objects**. It is respectfully submitted that there is no suggestion or motivation in the

references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the references or to combine their respective teachings. In particular, there is no suggestion or motivation in Yoshida or Kirkpatrick, or in the knowledge generally available to one of ordinary skill in the art, to combine an automatic focus control apparatus particularly suitable for use in auto-focus television cameras as described by Yoshida with a bar code locator and reading system for use primarily in locating and reading bar codes on movable objects as described by Kirkpatrick. Accordingly, the first prong required for establishing a prima facie case of obviousness is not satisfied. Therefore, reconsideration and withdrawal of the rejection is respectfully requested and allowance of independent Claims 1, 9, 15, 20 and 25 are earnestly solicited.

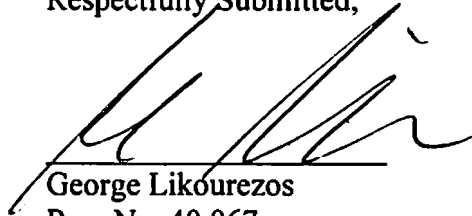
Dependent Claims 1-8, 10-14, 16-19, 21-24 and 26 depend directly or indirectly from independent Claims 1, 9, 15, 20 and 25, and are therefore patentable for at least the reasons given above for independent Claims 1, 9, 15, 20 and 25. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested and allowance of the dependent claims is earnestly solicited.

### **Conclusion**

In view of the foregoing remarks, it is respectfully submitted that all claims now pending in this application, namely, Claims 1-26, are in condition for allowance. Accordingly, early and favorable consideration of this application is respectfully requested.

Should the Examiner believe that a telephone or personal interview may facilitate resolution of any remaining matters, he is respectfully requested to contact Applicants' undersigned attorney at the telephone number indicated below.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'George Likourezos', is written over a horizontal line.

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